



Shareholders Committee

Thu 14 Jan
2021
6.30 pm

Microsoft Teams

REDDITCH BOROUGH COUNCIL

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If you have any queries on this Agenda please contact
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GUIDANCE ON VIRTUAL MEETINGS

Due to the current Covid-19 pandemic Redditch Borough Council will be holding this meeting in accordance with the relevant legislative arrangements for remote meetings of a local authority. For more information please refer to the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police Crime Panels meetings) (England and Wales) Regulations 2020.

Please note that this is a public meeting conducted remotely by Skype conferencing between invited participants and live streamed for general access via the Council's YouTube channel.

You are able to access the livestream of the meeting from the Committee Pages of the website, alongside the agenda for the meeting.

[Link to the Live Stream of the Shareholders Committee meeting](#)

If you have any questions regarding the agenda or attached papers please do not hesitate to contact the officer named above.

Notes:

As referred to above, the virtual Skype meeting will be streamed live and accessible to view. Although this is a public meeting, there are circumstances when the committee might have to move into closed session to consider exempt or confidential information. For agenda items that are exempt, the public are excluded and for any such items the live stream will be suspended and that part of the meeting will not be recorded.

Shareholders Committee

Thursday, 14th January, 2021

6.30 pm

Microsoft Teams

Agenda

Membership:

Cllrs:	David Thain (Chair)	Bill Hartnett
	Salman Akbar	Ann Isherwood
	(Vice-Chair)	
	John Fisher	

1. Apologies for Absence and Named Substitutes

2. Declarations of Interest and Party Whip

3. Minutes of the Previous Meeting (Pages 1 - 14)

4. Forge Mill - Extended Closure (Pages 15 - 16)

5. Exclusion of the Press and Public

Should it be necessary, in the opinion of the Chief Executive, during the course of the meeting to consider excluding the public from the meeting on the grounds that exempt information is likely to be divulged, it may be necessary to move the following resolution:

“That, under S.100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting for the following matter(s) on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs (to be specified) of Part 1 of Schedule 12 (A) of the said Act”.

These paragraphs are as follows:

Subject to the “public interest” test, information relating to:

- Para 3 – financial or business affairs;
- Para 4 – labour relations matters;

6. Business Continuity (Report to Follow)

7. Quarter 2 Performance Monitoring Report (Pages 17 - 34)

8. Quarter 2 Budget Monitoring Report (Pages 35 - 46)

9. Rubicon Board - Director (Pages 47 - 48)

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10. Rubicon - Future Operating Model (Report to Follow)



Shareholders Committee

Committee

Thursday, 1st October,
2020

MINUTES

Present:

Councillor David Thain (Chair), Councillor Salman Akbar (Vice-Chair)
and Councillors John Fisher, Bill Hartnett and Ann Isherwood

Officers:

Claire Felton and Jayne Pickering

Senior Democratic Services Officer:

Jess Bayley

9. APOLOGIES FOR ABSENCE AND NAMED SUBSTITUTES

There were no apologies for absence.

10. DECLARATIONS OF INTEREST AND PARTY WHIP

There were no declarations of interest.

11. MINUTES OF THE PREVIOUS MEETING

RESOLVED that

the minutes of the meeting of the Shareholders Committee
held on Monday, 3rd August 2020 be approved as a true and
correct record and signed by the Chair.

12. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED that

Under S100 A (4) of the Local Government Act 1972, as
amended by the Local Government (Access to Information)
(Variation) Order 2006, the public be excluded from the
meeting for the following matters on the grounds that they
involve the likely disclosure of exempt information as defined
in paragraphs 3 and 4 of Part 1 of Schedule 12 of the said act,
as amended.

.....
Chair

Shareholders Committee Committee

Thursday, 1st October, 2020

Minute Item No. 13 Update on Service Provision

Minute Item No. 14 Company and Shareholder Priority review

Minute Item No. 15 Formal Auditor Appointment

Minute Item No. 16 Formal Approval of a new Board Member

Minute Item No. 17 Formal Appointment of a new Managing Director

13. UPDATE ON SERVICE PROVISION

Members received an update regarding the provision of leisure services by Rubicon Leisure since the previous meeting of the Committee. The update addressed the impact of Covid-19 on the delivery of these services and the measures that were being taken to address this.

Facilities at Pitcheroak Golf Course and the Arrow Valley Park had opened after the end of lockdown. Face coverings were required and screens had been put in place as part of measures to prevent the spread of Covid-19. Lots of work had been undertaken to ensure that there were separate entrances and exits into buildings and there was a single route through.

The Committee was informed that the Council had recently agreed in an urgent decision to contribute an additional £170,000 towards the management fee for Rubicon Leisure Limited.

(During consideration of this item Members discussed matters that necessitated the disclosure of exempt information. It was therefore agreed to exclude the press and public prior to any debate on the grounds that information would be revealed relating to the financial and business affairs of any particular person (including the authority holding that information)).

14. COMPANY AND SHAREHOLDER PRIORITY REVIEW - PRESENTATION

Members considered and discussed information pertaining to Rubicon Leisure and the priorities of the company shareholders.

(During consideration of this item Members discussed matters that necessitated the disclosure of exempt information. It was therefore agreed to exclude the press and public prior to any debate on the

Shareholders Committee Committee

Thursday, 1st October, 2020

grounds that information would be revealed relating to the financial and business affairs of any particular person (including the authority holding that information)).

15. FORMAL AUDITOR APPOINTMENT

The Committee considered a proposal to make a formal appointment of an external auditor for Rubicon Leisure.

(During consideration of this item Members discussed matters that necessitated the disclosure of exempt information. It was therefore agreed to exclude the press and public prior to any debate on the grounds that information would be revealed relating to the financial and business affairs of any particular person (including the authority holding that information)).

16. FORMAL APPROVAL OF A NEW BOARD MEMBER

Members received a verbal report with respect to the approval of a new Board member for Rubicon Leisure.

(During consideration of this item Members discussed matters that necessitated the disclosure of exempt information. It was therefore agreed to exclude the press and public prior to any debate on the grounds that information would be revealed relating to the financial and business affairs of any particular person (including the authority holding that information) and relating to any consultations or negotiations, including contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority).

17. FORMAL APPOINTMENT OF A NEW MANAGING DIRECTOR

Members considered proposals for the appointment of a new Managing Director for Rubicon Leisure.

(During consideration of this item Members discussed matters that necessitated the disclosure of exempt information. It was therefore agreed to exclude the press and public prior to any debate on the grounds that information would be revealed relating to the financial and business affairs of any particular person (including the authority holding that information) and relating to any consultations or negotiations, including contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority).

Shareholders
Committee
Committee

Thursday, 1st October, 2020

The Meeting commenced at 6.30 pm
and closed at 7.59 pm

By virtue of paragraph(s) 3, 4 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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REDDITCH BOROUGH COUNCIL**RUBICON SHAREHOLDERS COMMITTEE****14th January 2021****FORGE MILL MUSEUM**

Relevant Portfolio Holder	Councillor Mike Rouse
Portfolio Holder Consulted	-
Relevant Head of Service	Claire Felton - Head of Legal, Democratic and Property Services
Ward(s) Affected	N/A
Ward Councillor(s) Consulted	N/A

1. SUMMARY OF PROPOSALS

To request that Forge Mill Museum remains closed due to the financial and operational impact of delivering social distancing measures.

2. RECOMMENDATIONS

The Committee is asked to RESOLVE that

- 1) due to the operational and financial constraints of re-opening the Museum in February 2021, the Shareholder Committee agree as a variation to the Service Specification, that from 1st February 2021 and up until the 30th April 2021 the Museum remains closed and re-opens on the 1st May 2021 subject to Government Advice on the re-opening of Museums; and**
- 2) the legal changes to the operating contract are delegated to the Head of Legal, Democratic and Property Services and the Executive Director of Finance and Resources to implement.**

3. KEY ISSUES

- 3.1 The Shareholders Committee resolved on 3rd August 2020 that due to the difficulties in reopening of the Forge Mill Museum, because of the operational and financial impact of achieving social distancing measures due to the Covid-19 pandemic, the museum would remain closed until the end of the normal winter closure on 31st January 2021.
- 3.2 As members will be aware the Government announced a further National Lockdown from 5th January 2021 for at least seven weeks. The Government also announced before Christmas that they were extending the Job Retention Scheme (Furlough) until 30th April 2021. As we are currently unsure when social distancing restrictions would be lifted sufficiently to allow the Museum to reopen safely Officers recommend the site remains closed until the end of April 2021 opening for the May Bank holiday weekend (1st - 3rd May).

REDDITCH BOROUGH COUNCIL**RUBICON SHAREHOLDERS COMMITTEE****14th January 2021**

4. Financial Implications

- 4.1 As reported in August 2020 the financial implications of remaining closed would result in a saving of approximately £5,000 a month compared to the facility opening due to the furlough grant Rubicon can claim. Therefore, this would demonstrate better value for money for the company and the Council and save a further £15,000 over the three months February to April 2021.

5 Legal Implications

- 5.1 Keeping the Forge Mill Museum closed is a shareholder decision as this sits outside of the current Business Plan and a change to the Leisure Operating Contract. It is proposed that, should members agree, the contractual changes are delegated to the Head of Legal, Democratic and Property Services and the Executive Director of Finance and Resources.

6. Customer / Equalities and Diversity Implications

- 6.1 Officers will extend the communications plan to customers and volunteers for the rationale of the continued closure of the museum, engagement via social media and then details for reopening later in 2021.

7. RISK MANAGEMENT

- 7.1 Rubicon maintains risk registers in relation to both service delivery and Health and Safety compliance. This is reported to the Board of Directors at each meeting.

AUTHOR OF REPORT

Name: Claire Felton – Head of Legal, Democratic and Property Services
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REDDITCH BOROUGH COUNCIL**RUBICON SHAREHOLDERS COMMITTEE****14th January 2021****QUARTER 2 PERFORMANCE RUBICON LEISURE**

Relevant Portfolio Holder	Councillor Mike Rouse
Portfolio Holder Consulted	-
Relevant Head of Service	Claire Felton, Head of Legal, Democratic and Property Services
Ward(s) Affected	N/A
Ward Councillor(s) Consulted	N/A
This report contains exempt information as defined in Paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972, as amended	

1. SUMMARY OF PROPOSALS

To update Shareholders on the operational performance for Rubicon Leisure for the period July - September 2020.

2. RECOMMENDATIONS

The Committee is to RESOLVE that

the Report be noted.

3. KEY ISSUES

- 3.1 As Members are aware the leisure facilities were forced to close on 20th March 2020 with some facilities opening from 25th July 2020 with social distancing requirements and Covid-19 secure measures in place. The second quarter report is attached at Appendix 1 and details the work that has been undertaken by the company's teams over the last 3 months.

4. Financial Implications

- 4.1 The financial report and estimates of the future position is also to be reported to this meeting.

REDDITCH BOROUGH COUNCIL**RUBICON SHAREHOLDERS COMMITTEE****14th January 2021**

5. Legal Implications

- 5.1 The Council must retain control over the company to ensure that the Company continues to benefit from the Teckal exemption. This allows the Council to contract with it for the delivery of leisure services without conducting an open procurement exercise.
- 5.2 The contractual documentation in place between the Council and the Company contains the necessary mechanisms, checks and balances to incentivise good performance and also to ensure compliance with the Teckal exemption.

6. Customer / Equalities and Diversity Implications

- 6.1 As can be seen in the report attached Rubicon will aim to attract customers back to the leisure facilities highlighting the cleaning and safety measures in place and will continue the work to identify customer need and demand, alongside the key components required to achieve high satisfaction ratings. Through the use of the measures dashboard the Council will ensure that the community and local partners are supported by the leisure offer, and that Rubicon continues to deliver on the Council's Strategic Objectives.

7. RISK MANAGEMENT

- 7.1 Rubicon maintains risk registers in relation to both service delivery and Health and Safety compliance which have been updated to respond to the pandemic. This is reported to the Board at each meeting.

8. APPENDICES

- 8.1 Appendix 1 - Quarter 2 performance report.

9. BACKGROUND PAPERS

- 9.1 Service Specification as reported to Executive and Council in September 2018.

AUTHOR OF REPORT

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